



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,323	10/14/1999	MATHIAS LARSSON	2466-41	8745

7590

10/23/2002

NIXON & VANDERHYE PC
1100 NORTH GLEBE ROAD 8TH FLOOR
ARLINGTON, VA 22201

EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,323

Applicant(s)

LARSSON ET AL.

Examiner

Chau Nguyen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 1999.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Amendment B, received on 08/03/2002, has been entered. Claims 1-14 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, and 4, 5, 7-9, 11, 12, and 14 are rejected under 35 U.S.C. 102(e) as being by Percival et al. (Percival) Patent No. 5,991,816.

Art Unit: 2142

4. As to claim 1, Percival teaches the invention as claimed, a method of transmitting an image which is stored as a number of independently decodable coding units between a server and a client, the method comprising:

transmitting a request for image data relating to the image from the client to the server (col. 9, lines 29-37: image transmitting server 12 awaits a request for an image as indicated at decision block 101 of Figure 2; and col. 10, lines 45-64: allowing a user to select a portion of the image which refers to image data relating to the image);

starting transmission of the requested image data from the server to the client (col. 5, lines 39-48; transmitting image from the image transmitting server 12 to a display device 20 (client device));

transmitting a request for a new part of the image during or after transmission thereof (col. 10, line 35 – col. 11, line 23; during the transmission of the data, the user transmits a request for the region of interest or a portion of the image (considered a new part of image));

transmitting independently decodable coding units corresponding to the requested new part of the image from the server to the client using only coding units not already transmitted (col. 2, lines 49-63: a user, prior to completion of the transmission of the image data of the first field, may view the image and provide instructions defining a second field, and these instructions may be received by the transmitting site causing it to continue the ordered transmission of the image data, excluding data not in the second field).

5. As to claim 2, Percival teaches the invention as claimed, the image is stored in the transform domain (col. 8, line 63 – col. 9, line 6; image has been transformed as indicated by process block 60 of Fig. 2).

6. As to claim 4, Percival teaches the invention as claimed, each request from the client comprises information on which image information the client is interested in and which information about the image the client already has access to (col. 2, lines 51-63; prior to completion of the transmission of the image data of the first field, a user may provide instructions defining a second field within the first field).

7. As to claim 5, Percival inherently teaches the invention as claimed, the server after having transmitted requested information to the client directly discards all information provided by client (Internet is known as a stateless network; after fulfillment of the request in this stateless network, the client's request is discarded inherently).

8. As to claim 7, Percival teaches the invention as claimed, the server performs a transcoding before transmitting the new image part (col. 12, lines 47-51; transmitting the image data includes a step of compressing (considered as transcoding) the data prior to its transmission).

Art Unit: 2142

9. Claims 8, 9, 11, 12, and 14 are corresponding apparatus claims containing the similar limitations as the methods described in claims 1, 2, 4, 5, and 7; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percival and further in view of Hurvig, Patent No. 5,867,652.

12. As to claim 3, Percival teaches the invention as discussed in claim 1 above. However, Percival does not teach the specific including a request number for each request as claimed in the instant claimed invention. Hurvig teaches a request that has a sequence number in an environment for supporting a plurality of requests between a client and server in a network (col. 3, lines 10-20). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of

Art Unit: 2142

Percival and Hurvig to include a request number for each request in order to dictate which operation the server is expected to perform.

13. Claim 10 is corresponding apparatus claim containing the similar limitations as the method described in claim 3; therefore, it is rejected under the same rationale.

14. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percival and further in view of Casagrande et al (Casagrande), Patent No. 6,049,892.

15. As to claim 6, Percival teaches the invention as discussed above. However, Percival does not teach the server transmits marker code prior to transmitting data. Casagrande teaches a server sends data in block mode or compressed mode and inserting a restart marker (marker code) in the data stream with some marker information (col. 1, line 56 – col. 2, line 9). Since Casagrande teaches these limitations in an environment such as a system for downloading data from a server computer to a client computer which is similar to the system of Percival, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Percival and Casagrande to include a server transmitting marker code prior to transmitting data because the marker code could represent any information by which a system may identify a data checkpoint.

Art Unit: 2142

16. Claim 13 is corresponding apparatus claim containing the similar limitations as the method described in claim 6; therefore, it is rejected under the same rationale.

Response to Arguments

17. In the remarks, Applicant argued in substance that Prior art fails to disclose or suggest the following requirements of claim 1:

(a) "an image which is stored as a number of independently decodable coding units".

As to point (a), Percival discloses a digitized image composed of image pixel blocks A, B, C, and D, and each of pixel block describes the color or intensity of the underlying image at comparable coordinates, and image pixel blocks A, B, C, and D are considered as independently decodable coding units (col. 6, line 44 – col. 7, line 29).

(b) "transmitting independently decodable coding units corresponding to the requested new part of the image from the server to the client using only coding units not already transmitted"

As to point (b), Percival discloses a user, prior to completion of the transmission of the image data of the first field, may view the image and provide instructions defining a second field, and these instructions may be received by the transmitting site causing it to continue the ordered transmission of the image data, excluding data not in the second field (col. 2, lines 49-63).

18. Applicant's arguments filed on 08/01/2002 have been fully considered but they are not persuasive.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3230.

Art Unit: 2152

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

Or Faxed to:

(703) 746-7239, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

Or:

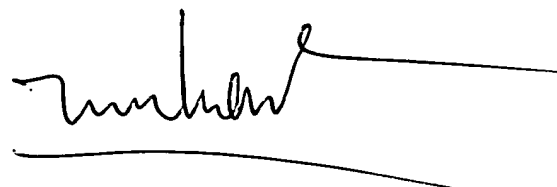
(703) 746-7240 (for **informal or draft communications**, please label
"PROPOSED" or "DRAFT").

Or:

(703) 746-7238 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
Patent Examiner
Art Unit 2152



LE HIEN LUU
PRIMARY EXAMINER